

UNITED STATES DISTRICT COURT

for the

Western District of Missouri

St Joseph Division

Charles Lee Miller
and
Amy Miller

) Case No.

20-6012-CV-SJ-BCW

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.
If the names of all the plaintiffs cannot fit in the space above,
please write "see attached" in the space and attach an additional
page with the full list of names.)

-v-

Sheriff Joshua Quinn Eckerson
and
The Harrison County Sheriff's Department

) Jury Trial: (check one) Yes No

Defendant(s)

(Write the full name of each defendant who is being sued. If the
names of all the defendants cannot fit in the space above, please
write "see attached" in the space and attach an additional page
with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Charles Lee Miller		
Address	1111 Barbara Street		
	Bethany	MO	64424
County	Harrison County		
Telephone Number	660-868-2673		
E-Mail Address	N/A		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Joshua Quinn Eckerson		
Job or Title (<i>if known</i>)	Sheriff, Harrison County, Missouri		
Address	1501 Central Street		
	Bethany	MO	64424
County	Harrison County		
Telephone Number	(660) 425-3199		
E-Mail Address (<i>if known</i>)			

Individual capacity Official capacity

Defendant No. 2

Name	Harrison County Sheriff's Department		
Job or Title (<i>if known</i>)	Harrison County, Missouri		
Address	1501 Central Street		
	Bethany	MO	64424
County	Harrison County		
Telephone Number	(660) 425-3199		
E-Mail Address (<i>if known</i>)			

Individual capacity Official capacity

A. Additional Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Amy Miller		
Address	1111 Barbara Street		
	Bethany	MO	64424
County	Harrison County	City	Zip Code
Telephone Number	660-868-2673	State	
E-Mail Address	N/A		

Defendant No. 3

Name

N/A

Job or Title (*if known*)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (*if known*)

Individual capacity Official capacity

Defendant No. 4

Name

N/A

Job or Title (*if known*)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (*if known*)

Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Acting under the color of State Law, Sheriff Eckerson has violated the 1st, 5th, 6th and 14th Amendments to the U.S. Constitution. He continues to violate these Amendments in his concerted effort to terrorize the Plaintiffs .

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Plaintiffs own property next door to Sheriff Eckerson who has used the power and authority of his position as Sheriff to threaten, harass, intimidate and place the Plaintiffs in fear of their safety and well being with the stated intent to drive the Plaintiffs from their lawful property and remove them from his neighborhood. Plaintiffs have had to purchase property outside of Bethany Mo. simply to get away from the Defendant's persistent threats of harm.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

On multiple occasions Sheriff Eckerson has pulled his squad car next to the Plaintiff's property and while armed and in full Sheriffs uniform issued repeated threats to "get" Charles Miller and his wife Amy Miller.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

This inappropriate and unwarranted conduct on the part of the Sheriff toward his next door neighbors has occurred on an unpredictable basis during the day, the evening and the nighttime hours on what has been essentially a daily and repeated basis. Sheriff's are always on duty and their words and actions take on the color of law even in what might otherwise be considered a private or neighborly dispute due to their state granted authority to detain and arrest those living within their jurisdictions.

- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

Sheriff Eckerson has issued threats and on an essentially daily basis placing the Plaintiffs in fear of their lives and property. Sheriff Eckerson has repeatedly threatened to ruin the Plaintiffs and drive them from their home and property which is adjacent to the Sheriff's property. The Sheriff has done this while wearing the uniform of the senior law enforcement officer in the jurisdiction, while on duty, and under the color of law. The Sheriff's Department is responsible under the doctrine of "Respondeat Superior" as it provides Defendant Eckerson the power and authority under the color of law to make his threats against his neighbors a reality.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Injuries claimed by Plaintiffs include are physical, mental, fiscal, and Constitutional damages. Plaintiffs have the right to be left alone to the quiet enjoyment of the property they worked so hard to obtain. As a result of the mental strain from the deliberate and intentional harassment, threats, and actions of Sheriff Eckerson, Plaintiffs have found it difficult to sleep at night or even to eat at regular intervals. In addition to creating physical symptoms consistent with having been acute exposure to traumatic stress with its resultant effect on the health and well being of the Plaintiffs, the Plaintiffs have suffered direct financial loss in that they have had to purchase property out of Harrison county just to get out from under the institutional authority that Sheriff Eckerson wields.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

We request that the Court enjoin the Defendants from contact with the Plaintiffs. That the Defendants be ordered to reimburse Plaintiffs for lost expenses involved in the purchase of property away from the Sheriff, reimbursement for the costs the Plaintiffs have incurred in their flight to safety, and punitive damages from the Sheriff and the Sheriff's Department in the amount of \$5,000,000 in order to inhibit and stop the continuing abuse of power by the Sheriff and the Sheriff's Department that provides the base of power and authority for the Sheriff's personal and extralegal activities against the Plaintiffs under the color of law.

Being continually threatened with ruination and worse by your next door neighbor carrying a gun is stressful. Being threatened with dire consequences by a next door neighbor wearing not only a gun but the full authority to use that gun with little or no oversight because that neighbor is in charge of local law enforcement is devastating in its effect on individual and family life. Knowing that the person making threats has the power to make the threats come true dramatically increases the level of stress. Knowing that the person making the threats has the authority to avoid being sanctioned for making unwarranted threats has left the Defendants with few options other than to flee and petition this Court for the redress for their injuries.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 1-22-2020

Signature of Plaintiff

x Charles Lee Miller x Amy Miller

Printed Name of Plaintiff

Charles Lee Miller Amy Miller

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address
